

REMARKS

Summary Of The Office Action & Formalities

Claims 1-15 are all the claims pending in the application. By this Amendment, Applicant is amending claims 1, 3 and 4, and adding new claims 8-15. No new matter is added.

Applicant thanks the Examiner for acknowledging the claim to foreign priority and for confirming that the certified copy of the priority document was received.

Applicant also thanks the Examiner for initialing the references listed on form PTO/SB/08 submitted with the Information Disclosure Statement filed on September 29, 2003.

Claims 1-7 are rejected under 35 U.S.C. § 112, second paragraph, for the reason set forth at page 2 of the Office Action. Applicant has amended these claims in a manner believed to overcome this rejection. With regards to claims 1 and 4, Applicant has included the term “substantially,” which has been construed as definite by the Federal Circuit numerous times.

The prior art rejections are summarized as follows:

1. Claims 1-7 are rejected under 35 U.S.C. § 102(e) as being anticipated by Mozdy et al. (US 6,819,846 B2).

Applicant respectfully traverses.

Claim Rejections - 35 U.S.C. § 102

1. Claims 1-7 In View Of Mozdy et al. (US 6,819,846 B2).

In rejecting claims 1-7 in view of Mozdy et al. (US 6,819,846 B2), the grounds of rejection state:

Mozdy et al disclose an optical amplifier comprising: a mono-mode core (12) with a first refractive index (see figure 2); a first cladding (14) surrounding the core with a second refractive index (see figure 2); a second cladding (16) having a third refractive index (see figure 2) and surrounding the first cladding; a ring shaped area (the region between r_2 and r_3) within the first cladding and doped with a rare earth material (column 5, line 21).

The structure cited above reads on claims 1-7 as presently understood under 35 USC 112.

Office Action at pages 2-3.

Applicant respectfully traverses. Claim 1 sets forth a ring which is doped with a rare earth material. Mozdy lacks a ring doped with a rare earth material as claimed. The Examiner asserts that Mozdy teaches a ring shaped area between r_2 and r_3 , as shown in Fig. 1, and that this alleged ring is doped with a rare earth material. The Examiner supports his position that the alleged ring is doped with a rare earth material by citing column 5, line 21 of Mozdy. However, this section merely states that the Mozdy inner clad 14 is preferably a silica based glass doped with GeO_2 . However, neither germanium (Ge) or Oxygen (O) are rare earth elements. Accordingly, there is no indication that the alleged Mozdy ring is doped with a rare earth material and claim 1 is allowable over Mozdy.

Claims 2-7 depend from claim 1 and are allowable at least because of their dependency. Further, the Examiner has failed to provide any reasoning for the rejection of several of the dependent claims. For example, claim 3 recites that the ring has a substantially constant radial refractive index. Even if it were appropriate to consider the area between r_2 and r_3 as a ring, there is no indication that this portion has a substantially constant radial refractive index. Additionally, claim 4 sets forth that the ring is adjacent to the core. The alleged Mozdy ring

New Claims

For additional claim coverage merited by the scope of the invention, Applicant is adding new claims 8-15. New claim 8 is allowable at least because the cited reference fails to teach an active region adjacent to the core as claimed. Claims 9-15 depend from claim 8 and are therefore allowable at least because of their dependency.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

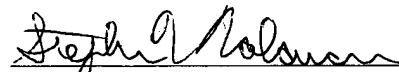
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